

REMARKS

This amendment is in response to the Office Action mailed May 18, 2004. By this amendment, claim 3 has been amended, claims 1-2 and 19-20 have been canceled, and new claims 21-28 have been added. Consequently, original claims 4-18 as filed and amended claim 3 and new claims 21-28 are pending in this application.

Claim 1 stands rejected under 35 U.S.C. §102(b) as being anticipated by **Herzog** (USPN 1,778,597), and claim 19 stands rejected under 35 U.S.C. §102(b) as being anticipated by **Crouch** (USPN 3,091,106). Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over **Herzog** in view of **Fullam** (USPN 5,827,483).

Claims 3-11 and 20 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claims 1 and 2 have been canceled and claim 3 has been rewritten in independent form. Thus, claims 3-11 should now be in condition for allowance. Claim 12 should be allowable for being dependent on allowable claim 3.

Applicant respectfully acknowledges Examiner's statement that claim 13-18 are allowable as indicated on the Office Action Summary sheet.

Now, we will discuss new independent claims 21 and 25. To the extent that the above rejections still apply, the relevant art cited will be discussed with relationship to new independent claims 21 and 25.

New independent claim 21 requires a collapsible candle stand comprising at least three generally vertically-extending rods. The rods are removably coupled together to form a **substantially open generally conical space between the upper ends of the rods and the lower ends of the rods**. The stand further includes first

and second horizontally-oriented rings. Each ring has at least one candle holder provided thereon. The first ring is removably supported by the rods at a first height and the second ring is removably supported by the rods at a second height different from the first height.

Herzog discloses a portable light holder including a mast 11 in the center that supports a metal washer 12. The washer has a number of apertures 12 each engaged by a cord 14 that extends downwardly and outwardly to secure a ring 15. A larger ring 16 can be suspended by more cords 14A below ring 15. The light holder of **Herzog** does not include a candle holder formed by **rods** with a **substantially open generally conical space between the upper and lower end of rods**. The **Herzog** holder on the other hand has a central mast extending through the center of the holder and cords for supporting the rings, thus **Herzog** does not have the claimed substantially open generally conical space or a tripod formed of at least three rods. For this reason alone, claim 21 is patentable over **Herzog**.

There is no disclosure or suggestion to combine **Herzog** and **Fullam**, and even if these references were combined, the deficiencies of **Herzog** would not be satisfied by **Fullam**. As previously discussed, **Herzog** does not have the claimed open tripod structure.

Fullam discloses an oil diffuser with three foldable legs 50, 52, 54 and candle holder plate segments 144 for holding candle 146 in the space between the upper and lower ends of the rods. This allows the candle to heat oil in bowls thereabove. Thus, **Fullam** does not disclose an oil diffuser with a **substantially open generally conical space between the upper and lower end of rods**. The **Fullam** holder on the other hand has a candle holder and candle within the generally conical space. For this reason alone, claim 21 is patentable over the **Fullam** alone or in combination with **Herzog**.

Claims 22-24 are dependent on allowable claim 21, and as a result contain

all the limitations of an allowable claim. These dependent claims are allowable at least by virtue of their dependence on an allowable base claim. In addition, these dependent claims are allowable for the totality of features claimed therein, based on the new combinations formed with the added limitations.

New independent claim 25 requires a collapsible candle stand comprising at least three rods. Each of the rods further comprises at least one hook thereon. The candle stand further includes at least one ring supporting a **plurality of candle holders circumferentially spaced apart from one another**. The at least three rods and the at least one ring are **removably coupled together by the at least one hook supporting the at least one ring** such that the at least three rods are generally vertically-oriented and the at least one ring is horizontally-oriented.

None of the cited references disclose or suggest the collapsible candle holder as claimed in claim 25 that includes circumferentially spaced apart candle holders and at least three rods with hooks for supporting at least one ring in a horizontal orientation.

Herzog discloses a portable light holder cords and rings, not rods with hooks for supporting the rings. There is no disclosure or suggestion to combine **Herzog** and **Fullam**, and even if these references were combined, the deficiencies of **Herzog** would not be satisfied by **Fullam**. **Fullam** discloses an oil diffuser with three foldable legs 50, 52, 54 and candle holder plate segments 144 for holding candle 146 in the space between the upper and lower ends of the rods. In **Fullam** the “candle holder plate segment 144 is attached by welding, soldering or mechanical fastener” (Col. 6, lines 4-6). Consequently, **Fullam** does not disclose rings with a plurality of candle holders, as required by claim 25. Moreover, **Fullam** does not disclose supporting such rings on hooks of rods. As a result, **Fullam** does not disclose a candle holder as claimed with rings removably coupled to rods. For this reason alone, claim 25 is patentable over the **Herzog** or **Fullam** alone or these references in combination.

CONCLUSION

The present response addressed all of the objections and rejections of the Office action. In view of the foregoing, it is respectfully submitted that all of the claims patentably distinguish over all the art of record, taken singly or in any combination, under 35 U.S.C. § 102 as well as under 35 U.S.C. §103. Entry of the Amendment, allowance of the claims, and the passing of the application to issue is earnestly solicited.

Should the Examiner believe that a discussion with applicants' attorney might expedite the resolution of any outstanding issues in this case, he is encouraged to contact the undersigned at the local telephone number listed below.

An extension of time fee is believed due for this submission. This fee is explained on the Request for Extension of Time and is authorized by the attached USPTO Credit Card Payment form. The Commissioner is authorized to charge any fee deficiency, or credit any over payment to Deposit Account No. 19-0031.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below:

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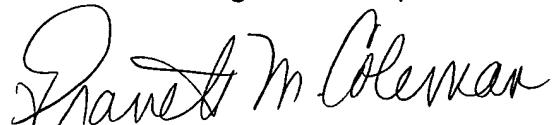
R. Effie Hamilton

Date

September 20, 2004

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